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PATENT
P57032

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TAE-YOUNG KIL et al.

Serial No.: 10/776,517

Examiner: *To be Assigned*

Filed: 12 February 2004

Art Unit: *To be Assigned*

For: COMPLEX WIRELESS SERVICE APPARATUS USING WIRED AND WIRELESS COMMUNICATION SYSTEMS AND METHOD THEREOF

RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION AND
PETITION UNDER 37 C.F.R. §1.181

Mail Stop: Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant respectfully petitions under 37 C.F.R. §1.181 and §1.53(b) from the error and misconduct by the Initial Patent Examining Division in issuing a Notice to File Missing Parts mailed on 10 May 2004 of the above-captioned U.S. patent application, and as reasons set forth, states that:

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Date: 5/18/04

I.D.: REB/sb

Enclosures: 1) A copy of the signed Declaration and Transmittal of Declaration filed on 12 February 2004
2) A copy of date-stamped postcard receipt of the signed Declaration filed on 12 February 2004
3) Part 2 of Notice to File Missing Parts of Nonprovisional Application dated 10 May 2004

STATEMENT OF FACTS

1. On the 12th of February 2004, Applicant's undersigned attorney filed the above-captioned U.S. patent application in the U.S. Patent & Trademark Office, together with the executed Declaration by all of four (4) inventors, and a blank Declaration attached thereto.
2. The Declaration signed by all of four (4) inventors was placed immediately beneath Applicant's "Transmittal of Declaration".
3. A postcard receipt stamped by the mail room of the U.S. Patent & Trademark Office bearing Serial No. 10/776,517 and U.S. filing date of the 12th of February 2004, confirms the filing of the executed original Declaration. A copy of that postcard receipt accompanies this Petition.
4. Copies of the Transmittal and an accompanying executed Declaration, and a blank Declaration are attached to this Petition.
5. Applicant's cover letter accompanying filing of this application stated that "please find attached hereto ... original declaration and power of attorney identified below."

REMARKS

The repeated practice of the Initial Patent Examining Division in breaking the bulk of U.S. patent applications, scattering several pages of the applications and then falsely asserting filing of an incomplete application, is reprehensible and should be corrected immediately.

In the instant application, the executed Declaration was filed, with Declaration of all of four (4) inventors signed and placed between the transmittal letter and a blank Declaration. The blank Declaration was attached for assisting Initial Patent Examining Division because of illegibility of the executed Declaration. A postcard receipt confirms the filing of the original Declaration, as those Applicant's letter of transmission of the application. There is no basis for the levying either the late fee or declaration surcharge against the Applicant.

This is in fact, contrary to U.S. law and borders on extortion, a criminal misdemeanor under title 18 of United States code. Moreover, Applicant's undersigned attorney has already addressed the same issue, albeit in a different pending application, during the past week. Consequently, the problem is systematic, and originates within the U.S. Patent & Trademark Office; correction by the Office without loss or expense to the Applicant, is respectfully requested.

RELIEF REQUESTED

Accordingly, the Commissioner is therefore respectfully requested to:

- A. Confirm, in writing, that the Declaration of four (4) inventors, was received in the U.S. Patent & Trademark Office on the 12th of February 2004, and that the Declaration was signed by the corresponding inventors;
- B. Confirm in writing that the Notice to File Missing Parts was issued in error;
- C. Remove the demand for the payment of a late oath or declaration surcharge;
- D. Forward the application to the Examiner without further delay, for completion of the examination on the merits;
- E. Grant Applicant's request for issue of United States patent;
- F. Request the personnel within the Office, to place no copy of either this paper, or any reference to this paper, within the prosecution history of the above-captioned application; and
- G. Grant such other and further relief as justice may require.

Respectfully submitted,



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